

MEMORANDUM FOR: Executive Director

VIA: Office of General Counsel

FROM: James N. Glerum
Director of Personnel

SUBJECT: OP Jurimetric Resource Requirements

1. Recommendation: This memorandum contains a recommendation for your approval in paragraph 3(C)(4).

2. Background: For several years, the Office of Personnel (OP) has been providing analytical support from within present resources to OGC through the application of ^{STATISTICAL AND BASIC STATISTICS USING} linear models ^{to the} Office of Personnel data base^s. This effort, commonly called jurimetrics, was undertaken to determine the validity of salary discrimination claims made in two active Agency EEO suits. In 1980, OGC requested OP to analyze ^{CURRENT AND} historic personnel data to determine if there had been any disparate treatment ^{OF FEMALE PROFESSIONALS WITH RESPECT TO SALARY AND CAREER} in regard to promotions and career progression, ^{PROGRESSIONS.} of a group in the Intelligence Directorate (DDI). Working with the Office of Data Processing (ODP), OP extracted ^a data base^s and, through the application of linear models, demonstrated that ^{STATISTICAL EVIDENCE OF SALARY INEQUITY FOR THE CLASS OF FEMALE AND MALE} salary progression comparisons showed no indication of disparate treatment. ^{THERE WAS NO} This effort, we understand, was very helpful in the favorable settlement of an EEO suit which could have been very

costly to the Agency. Later, OP was requested to apply this same linear modeling technique to an EEO case in another directorate.

Although the two EEO suits have now been settled, OGC has informally requested OP to ^{COMPLETE THE ANALYSIS FOR THE SECOND CASE AND} continue an expanded jurimetric effort, ~~WHICH WOULD PROVIDE:~~ TO MEET THE OGC DEFINED LITIGATION (THE) THREATS IN HIRING, PROMOTION, AGE AND MINORITY DISCRIMINATION AND TO IMPROVE THE DATA BASES FROM WHICH ANALYSES ARE DERIVED.

3. Staff Position:

A. The application of the ^{STATISTICAL} linear modeling technique (i.e., jurimetrics) would result in many benefits, such as: identifying past disparate treatment of identifiable groups; improving the Agency's jurimetric analysis response time; quantifying and reducing the historical OP data base error rate; ^{TO MEET LEGAL REQUIREMENTS} and identifying ^{CORRECTABLE} inappropriate management practices that are susceptible to ^{CRITICISM} TITLE VII ~~correction~~. This activity is now, and has been, conducted at the expense of other valid personnel requirements, such as: forecasting and monitoring manpower flows; planning toward non-monetary employee satisfaction; the regular updating of the Personnel data base; production of a multitude of standard and special reports from the data base; and developing new OP systems and improving existing OP systems. Unfortunately, the OP employees who perform these functions are the same ones who would provide the "jurimetric" support desired by OGC. All of these functions require a varying mix of statistical/programming/data base knowledge that is very scarce in OP.

B. The OGC request does not involve only the issue of additional positions. A major problem would be locating and attracting additional employees with the necessary skills after the issue of additional positions is resolved. ^{CONTINUES TO} OP ~~is now~~ attempting ~~ing~~ to hire additional employees with these skills to fill current OP requirements without notable success.

C. If the issue of scarce skilled manpower is disregarded, there are several ways in which a jurimetric effort could be mounted. All alternatives assume that a consultant will be maintained on contract to assure the retention of jurimetric continuity and expertise:

(1) A full jurimetric program, as informally requested by OGC, would require the additional allocation of five positions. The benefits to be derived from a full jurimetric program would include a data base with ^{APPROPRIATE} ~~standardized~~ jurimetric EEO elements which should lead to the possibility of providing OGC with ^{A FASTER} ~~more rapid~~ ~~support in~~ response to their requests for EEO analysis. The personnel data base should develop a lower error rate as anomalous entries are researched and corrected. Importantly, the various personnel data file error rates could be quantified by ^{DATA} ~~file type~~ and ^{DATE} ~~time~~ of entry for possible use in legal proceedings. In summary, the Agency would develop and maintain the ability to identify the disparate treatment of identifiable groups over ^{AND CURRENT} ~~past~~ periods of time. Staffing needs: two statisticians; one programmer; one ^{PERSONNEL RESEARCH ANALYST} ~~systems analyst~~; and, one ^{PERSONNEL DATA TECHNICIAN} ~~qualifications analyst~~.

(2) Although a moderate jurimetric effort of these additional positions could not be expected to yield results as quickly as a full jurimetric program, it should result in shortening the time period required to perform analysis prior to responding to OGC requests for support in Agency EEO cases. At this time efforts have been devoted almost entirely to the development of linear models which ^{IDENTIFY} ~~delineate~~ salary disparities ^{FOR CLASSES}. The establishment of a moderate program, however, should eventually result in additional validated linear models for such factors as promotions and training. Staffing needs: one statistician; one ^{PERSONNEL RESEARCH ANALYST} programmer; and a ^{PERSONNEL INFORMATION SYSTEMS SPECIALIST} systems analyst. ✓

(3) The currently planned contingency jurimetric program could be supported without the need to allocate additional positions. This approach calls for the completion of all analysis and documentation on the two previously active cases by the end of June 1983. What we will have accomplished through the approximately four manyears of effort devoted to the jurimetric effort would be a documented methodology ^{FOR CLASS ACTION SIMILAR DISCRIMINATION SUITS} that ensures a future capability in this area. The benefits of this approach include the preservation of the models and methodology developed to date, the existence of an EEO tailored data base for two directorates, the ability to provide OGC with a "quick and dirty" EEO case evaluation within about six weeks ^(WITHOUT LINGERING DATA BASE PROBLEMS), and the retention of an authoritative consultant who can provide OP with the benefit of new improvements in the field.

(4) Recommendation: While the implementation of the

full jurimetric program recommended is both feasible and desirable, it is difficult to justify the sacrifice that would have to be made in current operating OP programs without the allocation of the additional necessary resources. Therefore, the Office of Personnel requests the allocation of five positions to accommodate a full jurimetric program.

James N. Glerum

CONCURRENCE: []

Office of General Counsel

Date

APPROVED: []

NOT APPROVED: []

Charles E. Briggs
Executive Director

Date